REMARKS

This is a full and timely response to the outstanding non-final Office Action
mailed September 19, 2005. Through this response, claims 1, 6, 7, 9, 10, 17, 19, 21, 28-
30, 33, and 36 have been amended and claims 18 and 31 have been canceled without
prejudice, waiver, or disclaimer. Reconsideration and allowance of the application and
pending claims 1-17 and 19-30, and 32-36 are respectfully requested.

I.   **Claim Rejections - 35 U.S.C. § 112, Second Paragraph**

A.   **Statement of the Rejection**

Claims 9, 17, 19 and 28 have been rejected under 35 U.S.C. § 112, second
paragraph, as allegedly being indefinite for failing to particularly point out and distinctly
claim the subject matter which the Applicant regards as the invention. In particular, the
Office Action provides the following explanation on page 2:

Claim 9 recites the limitation "the system of claim 1, wherein the *time adjuster*" in
line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the digital camera" in line 10. There is insufficient
antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "the digital camera" in line 2. There is insufficient
antecedent basis for this limitation in the claim.

Claim 28 recites the limitation "the system of claim 24, wherein the *time adjuster*"
in line 1. There is insufficient antecedent basis for this limitation in the claim.

In response to the rejection to claims 9 and 28, Applicant has amended the claim
dependency for these claims to provide a proper antecedent basis. In response to the
rejection to claims 17 and 19, Applicant has replaced "digital camera" with "electronic
equipment" to provide a proper antecedent basis. In view of the above describe

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amendments to the claims, it is respectfully asserted that claims 9, 17, 19 and 28 currently define embodiments of the invention in the manner required by 35 U.S.C. § 112. Accordingly, it is respectfully requested that the rejections to these claims be withdrawn.

II.   Claim Rejections – 35 U.S.C. § 101

Claims 17-20 have been rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. The Office Action provides on page 3 that a "computer program is not statutory subject matter." Applicant has amended claim 17 to incorporate computer readable medium language, from which claims 18-20 depend. In view of the above describe amendments to the claims, it is respectfully asserted that claims 17-20 currently define embodiments of the invention in the manner required by 35 U.S.C. § 101. Accordingly, it is respectfully requested that the rejections to these claims be withdrawn.

III.   Claim Rejections - 35 U.S.C. § 102(b)

A.   Statement of the Rejection

Claims 1-16, 21, 22, and 24-36 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by *Yves Audebert* ("*Audebert*," U.S. Pat. No. 5,937,068). Applicant respectfully traverses this rejection.

B.   Discussion of the Rejection

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore,

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every claimed feature of the claimed invention must be represented in the applied reference

to constitute a proper rejection under 35 U.S.C. § 102(b).

In the present case, not every feature of the claimed invention is represented in the

Audebert reference.

Independent Claim 1

Claim 1 recites (with emphasis added):

1.   A system for preventing unauthorized use of an electronic device, comprising:
        a memory residing in the electronic device and configured to store a security file, the security file corresponding to a predefined security code;
        a security timer configured to time a period of time referenced from activation of the electronic device; and
        a processor configured to:
            receive a card key, the card key corresponding to the predefined security code;
            receive an indication from the security timer corresponding to the period of time;
            compare the card key with the security file after the period of time has elapsed; and
            enable use of the electronic device only if the security file corresponds to the card key.

Applicant respectfully submits that *Audebert* does not disclose at least the above-

emphasized features. The Office Action refers to col. 3, lines 43-52 of *Audebert* for support

of alleged anticipation of the security timer features, which provides as follows:

> In view of this tolerance range, the password calculated with each access
> request still remains valid for the duration of each interval separating two
> operations of calculating the dynamic variable. Such an interval may have
> a relatively long duration (typically 10 minutes or more, for example) so
> that an eavesdropper surreptitiously obtaining the password and the static
> variable for a card on the occasion of an access request will have time to
> use it throughout the aforesaid interval in the server and will thus easily be
> able to obtain access authorization.

This cited section does not disclose the explicit claim features pertaining to the security

timer features. It appears that this section simply conveys that there is an interval of time in

systems in the prior art where an eavesdropper has a window of opportunity to use the

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password and static variable to obtain access authorization. There is no indication that this interval is actually timed, that such an interval of time is communicated to a processor. Thus, Applicant respectfully submits that the rejection to independent claim 1 be withdrawn.

Because independent claim 1 is allowable over *Audebert*, dependent claims 2-9 are allowable as a matter of law for at least the reason that the dependent claims 2-9 contain all elements of their respective base claim. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Additionally, Applicant respectfully submits that the dependent claims are allowable on separate grounds. For instance, claim 2 recites the following:

> 2.   The system of claim 1, wherein the *card key resides in a portable memory module* configured to couple to the electronic device and further configured to communicate the card key to the processor.

The Office Action asserts on page 4 that *Audebert* discloses a portable memory module, and cites the following section to support that assertion:

> [col. 7, lines 46-56]The card 2 also includes a communication device 10 making it possible to communicate with the unit 3 either directly or via a more or less long-distance transmission link. This device can take numerous forms, for example a DTMF telephone link, a device for transmitting and receiving data by infrared rays, a so-called "connected mode" device into which the card is inserted in an appropriate reader or any other transmission device well known in the art.

> The second unit 3 comprises interface means which allow for the provision of communication with the card 2 by means of communication device 10.

> [col. 8, lines 2-6]However, these data can be entered in other ways, in particular automatically without manual intervention from the user, for example simply upon entering the card into the interface 12 or by one of the function buttons 7 causing an infrared transmission.

These sections appear to disclose that the card 2 can be coupled to the unit 3 directly or via distance communication through a communication device 10. Assuming the Office Action is equating the card 2 with a memory module, the Applicant respectfully submits

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that the card 2 is not a memory module, although the card 2 appears to have ROM and

RAM memories (see col. 7, lines 43-44). Thus, Applicant respectfully submits that

Audebert fails to disclose at least the above-emphasized features of dependent claim 2, and

respectfully request that the rejection to claim 2 be withdrawn.

Independent Claim 10

Claim 10 recites (with emphasis added):

10. A method for providing security to an electronic device, the method
comprising the steps of:
receiving a card key, the card key corresponding to a predefined
security code;
receiving a security key residing in a unit of memory within the
electronic device, the security key corresponding to the predefined security
code;
comparing the card key with the security key;
enabling the use of the electronic device only if the card key
corresponds to the security key; and
*timing a time period referenced from activation of the electronic
device such that the steps of receiving, comparing and enabling are
performed at the conclusion of the time period.*

For similar reasons presented above in association with the security timing features of

independent claim 1, Applicant respectfully submits that *Audebert* fails to disclose at least

the above-emphasized features, and thus respectfully requests that the rejection to

independent claim 10 be withdrawn.

Because independent claim 10 is allowable over *Audebert*, dependent claims 11-16

are allowable as a matter of law.

Independent Claim 17

Claim 17 recites (with emphasis added):

17. A computer readable medium having a program for preventing the
unauthorized use of electronic equipment, the program comprising:
logic configured to prompt a user to provide a card key, the card
key corresponding to a predefined password;
logic configured to retrieve the card key from a first memory;

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logic configured to retrieve the security file from a second memory residing in the electronic equipment, the security file corresponding to the predefined password;

logic configured to determine whether the card key corresponds to the security file;

logic configured to enable the use of the electronic equipment only when the card key corresponds to the security file; and

logic configured to determine whether a predefined time period referenced from activation of the electronic device has expired, wherein the logic configured to determine whether the card key corresponds to the security file is executed when the predefined time period has elapsed.

For similar reasons presented above in association with the security timing features of independent claim 1, Applicant respectfully submits that independent claim 17 is allowable over *Audebert*.

Because independent claim 17 is allowable over *Audebert*, dependent claims 19-20 are allowable as a matter of law.

Independent Claim 21

Claim 21 recites (with emphasis added):

21.   A system for preventing unauthorized use of a digital camera, comprising:
        a *digital camera*, comprising:
                a memory configured to store a security file, the security file corresponding to a predefined security code; and
                a processor configured to compare the card key with the security file, and further configured to enable use of the digital camera only if the security file corresponds to the card key; and
        a portable memory module having a card key, the card key corresponding to the predefined security code, and the portable memory module configured to store additional information received from the digital camera.

Applicant respectfully submits that *Audebert* fails to disclose at least the above-emphasized features, and thus respectfully requests that the rejection to independent claim 21 be withdrawn.

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Because independent claim 21 is allowable over *Audebert*, dependent claims 22-28

are allowable as a matter of law.

Independent Claim 29

Claim 29 recites (with emphasis added):

29.   *A method for providing security to a digital camera*, the method
comprising the steps of:
    receiving a portable memory module, the portable memory module
having a card key corresponding to a predefined security code, and further
configured to *store additional information received from the digital
camera*;
    *communicating the card key from the portable memory module to
the digital camera*;
    *receiving a security key residing in a unit of memory within the
digital camera*, the security key corresponding to the predefined security
code;
    comparing the card key with the security key; and
    enabling the use of the digital camera only if the card key
corresponds to the security key.

Applicant respectfully submits that *Audebert* fails to disclose at least the above-emphasized

features, and thus respectfully requests that the rejection to independent claim 29 be

withdrawn.

Because independent claim 29 is allowable over *Audebert*, dependent claims 30 and

32-36 are allowable as a matter of law.

Due to the shortcomings of the *Audebert* reference described in the foregoing,

Applicant respectfully asserts that *Audebert* does not anticipate Applicant's claims.

Therefore, Applicant respectfully requests that the rejection of these claims be withdrawn.

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IV. **Claim Rejections - 35 U.S.C. § 103(a)**

A. **Rejection of Claim 23**

Claim 23 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Audebert* as applied to claims 1-16, 21, 22, and 24-36 above, and further in view of *Tolopka et al.* ("*Tolopka*," U.S. Pat. No. 6,044,349). Applicant respectfully traverses this rejection.

B. **Discussion of the Rejection**

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

In the present case, Applicant respectfully submits that a *prima facie* case for obviousness has not been established. As explained above in association with independent claim 21, *Audebert* fails to disclose at least the above-mentioned emphasized features of independent claim 21. Applicant respectfully submits that *Tolopka* does not

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remedy these deficiencies. Since claim 23 incorporates such independent claim features, Applicant respectfully submits that the combination of *Audebert* and *Tolopka* fails to disclose, teach, or suggest at least the independent claim features incorporated into dependent claim 23, and thus request that the rejection be withdrawn.

In summary, it is Applicant's position that a *prima facie* for obviousness has not been made against Applicant's claim 23. Therefore, it is respectfully submitted that claim 23 is patentable over the art of record and that the rejection of these claims should be withdrawn.

V. Canceled Claims

As identified above, claims 18 and 31 have been canceled from the application through this Response without prejudice, waiver, or disclaimer. Applicant reserves the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

VI. Specification Amendments

Various amendments have been made to the specification through this response to correct typographical and grammatical errors and to provide a correct and accurate description of Applicants' embodiments of the invention as originally disclosed. Although these amendments effect several changes to the specification, it is respectfully asserted that no new matter has been added.

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CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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